

KEVIN G. HORBATIUK (KGH-4977)  
MATTHEW P. MAZZOLA (MM-7427)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**  
-----X

**21 MC 102 (AKH)**

**ANA BERMEO,**

**DOCKET NO:  
08 CV 4933**

**Plaintiff,**

**-against-**

**100 CHURCH, LLC, ABATEMENT PROFESSIONALS,  
ABSCOPE ENVIRONMENTAL, INC.,  
AMBIENT GROUP INC., APPLIED ENVIRONMENTAL  
INC., BATTERY PARK CITY AUTHORITY,  
BLACKMON-MOORING-STEAMATIC CATOSTOPHE,  
D/B/A/ BMS CAT, BRISTOL ENVIRONMENTAL INC.,  
BROOKFIELD FINANCIAL PROPERTIES, INC.,  
BROOKFIELD FINANCIAL PROPERTIES, L.P.,  
BROOKFIELD PARTNERS, L.P., BROOKFIELD  
CORPORATION, BROOKFIELD PROPERTIES,  
INC., CATAMOUNT ENVIRONMENTAL, INC.,  
CLAYTON ENVIRONMENTAL CONSULTANTS  
COMPREHENSIVE ENVIRONMENTAL CO.,  
CONTAMINANT CONTROL, INC., COVINO  
ENVIRONMENTAL ASSOCIATES, INC.,  
CRITERION LABORATORIES, INC.,  
CUNNINGHAM DUCT CLEANING CO., INC.,  
DARLING ASBESTOS DISPOSAL COMPANY  
INC., DIVERSIDED ENVIRONMENTAL  
CORPORATION, DYNASERV INDUSTRIES,  
INC., ENVIRONMENTAL SERVICES AND  
TECHNOLOGIES, INC., ENVIROSERVE, INC.,  
GPS ENVIRONMENTAL CONSULTANTS, INC.,**

**NOTICE OF  
ADOPTION OF  
ANSWER TO MASTER  
COMPLAINT**

**HELLMAN ENVIRONMENTAL GROUP, LLC.,  
INDOOR ENVIRONMENTAL TECHNOLOGY,  
INC., LAW ENGINEERING, P.C., MERRILL  
LYNCH & CO., INC., MILRO ASSOCIATES, INC.,  
NORWICH LABORATORIES, PAR  
ENVIRONMENTAL CORPORATION,  
PINNACLE ENVIRONMENTAL CORPORATION,  
POTOMAC ABATEMENT INC.,  
ROYAL ENVIRONMENTAL INC.,  
SENCAM, INC., SPECIALTY SERVICE  
CONTRACTING INC., SYSKA AND  
HENNESSY, TELLABS OPERATIONS, INC.,  
TISHMAN INTERIORS CORPORATIONS,  
TRC ENGINEERS, INC., TTI ENVIRONMENTAL  
SERVICES, INC., TUCKER ANTHONY, INC.,  
VERIZON NEW YORK, INC., WFP TOWER A  
CO., WFP TOWER A CO. G.P. CORP., WFP  
TOWER A. CO., L.P., WILLIAM F. COLLINS,  
ARCHITECT and ZAR REALTY MANAGEMENT  
CORP., ET AL.**

**Defendants.**

-----X

**PLEASE TAKE NOTICE**, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other

and further relief as this Court deems just and proper.

Dated: New York, New York  
August 25, 2008

Kevin G. Horbatiuk  
Kevin G. Horbatiuk (KGH4977)  
Matthew P. Mazzola (MM-7427)  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
RUSSO, KEANE & TONER, LLP  
26 Broadway, 28th Floor  
New York, New York 10004  
(212) 482-0001  
RK&T File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**ANA BERMEO**  
115 Broadway 12th Floor  
New York, New York 10006

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 25<sup>TH</sup> day of August, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**ANA BERMEO**  
115 Broadway 12th Floor  
New York, New York 10006

  

---

KEVIN G. HORBATIUK